



## NORTH CAROLINA LAW REVIEW

---

Volume 32 | Number 1

Article 2

---

12-1-1953

# Articles\Authors of Articles\Book Reviews- Authors\Book Reviews-Reviewers\Subject Index

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

---

### Recommended Citation

North Carolina Law Review, *Articles\Authors of Articles\Book Reviews-Authors\Book Reviews-Reviewers\Subject Index*, 32 N.C. L. REV. (1953).

Available at: <http://scholarship.law.unc.edu/nclr/vol32/iss1/2>

This Index is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

# INDEX TO VOLUME 32, 1953-1954

## ARTICLES

	PAGE
Corporate Receivership in North Carolina. <i>John R. Golding</i> .....	149
Court-Martial Jurisdiction Under the Uniform Code. <i>Seymour W. Wurfel</i> .....	2
Discovery of Government's Deficiency Computation in Tax Fraud Cases. <i>Daniel R. Dixon</i> .....	291
Law of Crime Against Nature, The. <i>James R. Spence</i> .....	312
North Carolina State Bar, The.....	264
Survey of Decisions of The North Carolina Supreme Court During the Fall and Spring Terms of 1953.....	379
Tax Advantages in Doing Business Abroad and How to Obtain Them. <i>Paul D. Seghers</i> .....	184

## AUTHORS OF ARTICLES

Dixon, Daniel R., <i>Discovery of Government's Deficiency Computation in Tax Fraud Cases</i> .....	291
Golding, John R., <i>Corporate Receivership in North Carolina</i> .....	149
Seghers, Paul O. <i>Tax Advantages in Doing Business Abroad and How to Obtain Them</i> .....	184
Wurfel, Seymour W., <i>Court-Martial Jurisdiction Under the Uniform Code</i> .....	2

## BOOK REVIEWS—AUTHORS

Stephenson, Gilbert T., <i>Drafting Wills and Trust Agreements: Administrative Procedure</i> .....	147
Vanderbilt, Arthur T., <i>Cases and Other Materials on Modern Procedure and Judicial Administration</i> .....	261

## BOOK REVIEWS—REVIEWERS

Christopher, Thomas W., <i>Cases and Other Materials on Modern Procedure and Judicial Administration</i> .....	261
Headley, Louis S., <i>Drafting Wills and Trust Agreements: Administrative Procedure</i> .....	147

## SUBJECT INDEX

Accounts and Accounting	
Income taxation, involuntary change from cash to accrual basis of accounting.....	249
Actions and Defenses	
Bills and notes, renunciation of rights by holder conditioned upon holder's death as discharge of parties liable.....	210
Bills and notes, intentional cancellation of instrument as discharge of obligation.....	206
Former jeopardy, discharge of jury as constituting.....	526
Lack and failure of consideration as affected by seal on negotiable instrument.....	556
Negligence, availability of defense of assumption of risk.....	366
Recovery of damages for breach of racial restrictive covenant.....	106
Remedies, counterclaims exceeding jurisdictional amount of the court.....	231

	PAGE
Survey of N. C. Decisions, 1953	
Self-defense .....	425
Fraud of Agent .....	463
Assault .....	423
Affirmative Defense .....	393
Right to subrogation under state tort claims act.....	242
Administrative Law	
Survey of N. C. decisions, 1953.....	379
Administrative regulations.....	379
Evidence to support findings.....	382
Mandamus .....	381
Suspension of drivers license based on record of plea of nolo contendere.....	549
Adverse Possession	
Effect of tenant's attornment to true owner.....	93
Survey of N. C. decisions, 1953.....	477
Agency	
Federal Tort Claims Act, discretionary functions exception.....	118
Mortgages, power of dealer to bind owner by; indicia of ownership in title certificate.....	545
Physicians and surgeons, liability for acts of assistants.....	138
Survey of N. C. decisions, 1953.....	383
Proof of agency under non-resident motorists statute.....	383
Liability imposed by public policy.....	385
Statutory presumption of agency.....	383
Anti-Trust Laws	
Robinson-Patman Act, price discrimination, proportionally equal terms....	520
Appeal and Error	
Forma pauperis, survey of N. C. decisions, 1953.....	507
Associations	
North Carolina State Bar, The.....	264
North Carolina State Bar Association, report of vice-president.....	572
Assumption of Risk	
Availability as a defense in negligence actions.....	366
Negligence, survey of N. C. decisions, 1953.....	499
Automobiles	
Nolo contendere, suspension of drivers license based on record of plea of.....	549
Torts, survey of N. C. decisions, 1953.....	498
Bankruptcy	
Corporate receivership in North Carolina.....	149
Bar Associations	
North Carolina State Bar, The.....	264
North Carolina Bar Association, report of vice-president.....	572
Bills and Notes	
Intentional cancellation of instrument as discharge of obligation.....	206
Renunciation of rights by holder conditioned upon holder's death, effect as discharge of parties liable.....	210
Worthless checks in cash sales, survey of N. C. decisions, 1953.....	491
Brokers	
Contracts, Survey of N. C. decisions, 1953.....	413
Charities	
Torts, liability to paying patients.....	129
Checks, see <i>Bills and Notes</i>	
Civil Procedure	
Consent judgment and settlement, right of insurer to bind insured.....	531
Parties, right of subrogation under N. C. Tort Claims Act.....	242
Remedies, counterclaims exceeding jurisdictional amount of the court.....	231

	PAGE
Jurisdiction of transitory actions; voluntary nonsuit, effect of restriction of venue after.....	326
Survey of N. C. decisions, 1953.....	388
Pleading .....	388
Joinder of parties and causes .....	396
Limitation of actions.....	401
Notice .....	402
Collective Bargaining	
Labor law, bargainability of company housing.....	225
Constitutional Law	
Due process, admissibility of confessions.....	98
Former jeopardy, discharge of jury.....	526
Racial restrictive covenants, damages for breach of.....	106
Right to have counsel.....	331
Search warrants, extension of law in N. C.....	114
Survey of N. C. decisions, 1953.....	405
Construction of constitutional provisions.....	405
Due process.....	405
Freedom of religion.....	407
Prohibition against local and private legislation.....	407
Separation of powers.....	408
Statutory presumptions.....	408
Contracts	
Bills and notes	
Defense of lack and failure of consideration as affected by seal.....	556
Intentional cancellation of instrument as discharge of obligation.....	206
Renunciation of rights by holder conditioned upon holder's death, effect as discharge.....	210
Breach, intentional interference with contractual relations.....	110
Labor law, bargainability of company housing.....	225
Mortgage, power of dealer to bind owner by.....	545
Survey of N. C. decisions, 1953.....	409
Accord and satisfaction .....	409
Brokerage contracts .....	413
Breach of contract .....	410
Consideration .....	410
Damages for breach .....	441
Parol evidence rule .....	413
Remedies, abatement .....	412
Termination .....	413
Conflict of Laws	
Survey of N. C. decisions, 1953.....	402
Limitations of actions.....	402
Sales of personal property.....	404
Corporations	
Dissolution, stockholder and director deadlock.....	335
Income taxation, accounting, involuntary change from cash to accrual method.....	249
Income taxation, advantages in doing business abroad.....	184
Receivership in North Carolina.....	149
Courts	
Court-martial jurisdiction under the Uniform Code.....	2
Jurisdiction of transitory actions, effect of restriction of venue after voluntary nonsuit.....	326
Survey of N. C. decisions, 1953.....	414
Covenants	
Racial restrictive covenants, recovery for breach of.....	106
Credit Transactions	
Survey of N. C. decisions, 1953.....	418
Chattel mortgages .....	418
Conditional sales .....	419
Deeds of trust .....	421

	PAGE
Laborer's and materialmens' liens .....	423
Suretyship .....	422
<b>Criminal Law</b>	
Confessions, admissibility of.....	98
Crime against nature, the law of.....	312
Former jeopardy, discharge of jury held to bar subsequent proceedings .....	526
Sentence, banishment.....	221
Survey of N. C. decisions, 1953.....	423
Aiding and abetting .....	429
Assault .....	423
Drunken driving .....	429
Self-defense .....	425
<b>Criminal Procedure</b>	
Discharge of jury as constituting former jeopardy.....	526
Nolo contendere, suspension of drivers license based on plea of.....	437
Right to have counsel.....	331
Search warrants, extension of law in N. C.....	114
Survey of N. C. decisions, 1953.....	431
Argument of counsel .....	438
Indictments .....	436
Joinder of offenses .....	437
Jurisdiction in non-support cases .....	434
Warrants .....	431
<b>Damages</b>	
Racial restrictive covenants, recovery for breach of.....	106
Survey of N. C. decisions, 1953.....	441
Breach of contract, loss of prospective profits.....	441
Public taking, easement by condemnation.....	443
Tort actions, injuries to public property.....	442
<b>Declaratory Judgments</b>	
Survey of N. C. decisions, 1953.....	452
<b>Deeds</b>	
Implication of easements from description in deed.....	238
Racial restrictive covenants, recovery for breach of.....	106
Survey of N. C. decisions, 1953.....	481
<b>Discharge from Indebtedness</b>	
Bills and notes, renunciation of rights by holder conditioned upon holder's death, effect as discharge of parties.....	210
Intentional cancellation bills and notes as discharge of obligation.....	206
<b>Divorce</b>	
Survey of N. C. decisions, 1953.....	444
<b>Domestic Relations</b>	
Survey of N. C. decisions, 1953.....	443
Alimony .....	444
Bastardy .....	446
Custody of children .....	446
Divorce .....	444
Husband and wife .....	448
Insane persons .....	449
Separation agreements .....	445
<b>Easements</b>	
Implication from description in deed.....	238
<b>Eminent Domain</b>	
Survey of N. C. decisions, 1953.....	485
Damages for easement taken under condemnation.....	443
Municipal corporations, power of.....	470
<b>Employer and Employee</b>	
Fair Labor Standards Act, coverage of maintenance employees of office buildings.....	341
Workmen's Compensation, dual employment.....	373

Equity	
Survey of N. C. decisions, 1953.....	449
Action to quiet title.....	453
Declaratory judgments.....	452
Injunction .....	449
Evidence	
Confessions, admissibility of.....	98
Search warrants, extension of law in N. C.....	114
Survey of N. C. decisions, 1953.....	453
Admissions .....	454
Administrative law, evidence to support findings.....	382
Evidence of subsequent repairs .....	456
Judicial notice .....	457
Objections and exceptions .....	457
Probative value of conflicting testimony.....	458
Parol evidence rule .....	413
Res gestae .....	456
Testimony at former trial .....	455
Executors and Administrators	
Survey of N. C. decisions, 1953.....	515
Fair Labor Standards Act	
Coverage of maintenance employees of office buildings.....	341
Federal Rules of Criminal Procedure	
Discovery of government's deficiency computation in tax fraud cases.....	291
Federal Tort Claims Act	
Discretionary functions exception.....	118
Fraud	
Survey of N. C. decisions, 1953.....	501
Future Interests	
Survey of N. C. decisions, 1953.....	459
Accelerations .....	459
Remainders .....	460
Rule against perpetuities .....	461
Rule in Shelley's case .....	461
Habeas Corpus	
Court-martial jurisdiction under the Uniform Code.....	2
Husband and Wife	
Survey of N. C. decisions, 1953.....	x
Insane Persons	
Survey of N. C. decisions, 1953.....	449
Insurance	
Right of insurer to bind insured by consent judgment or settlement.....	531
Survey of N. C. decisions, 1953.....	462
Construction, coverage clauses .....	462
Defenses, fraud of agent .....	463
Group policies .....	464
Premium rates .....	465
Subrogation .....	465
Judgment	
Consent, right of liability insurer to bind insured by.....	531
Judges	
Charge to jury, survey of N. C. decisions, 1953.....	508
Jurisdiction	
Court-martial jurisdiction under the Uniform Code.....	2
Non-support cases, survey of N. C. decisions, 1953.....	434
State, counterclaim exceeding jurisdictional limit of court.....	251
Transitory actions, jurisdiction of.....	326
Jury	
Ineligible juror, survey of N. C. decisions, 1953.....	507

Justices of the Peace	
Jurisdictional limit of the court, counterclaims exceeding the.....	231
Labor	
Bargainability of company housing	
under Labor-Management Relations Act.....	225
Fair Labor Standards Act, coverage of maintenance	
employees of office buildings.....	341
Survey of N. C. decisions, 1953.....	466
Arbitration .....	467
Unemployment compensation .....	466
Labor-Management Relations Act	
Bargainability of company housing.....	225
Landlord and Tenant	
Adverse possession, effect of tenant's attornment to true owner.....	93
Survey of N. C. decisions, 1953.....	489
Law Enforcement	
Officers, libel and slander, liability for defamation	
contained in official communications.....	564
Law School, U. N. C.	
Academic Achievement .....	88
Alumni Activities .....	86
Bar Examination results .....	90
Curriculum .....	86
Dedication .....	92
Enrollment .....	83
Faculty .....	83
Law School Association .....	89
Lecturers and Speakers .....	91
Library .....	85
National Moot Court Competition .....	90
Placement .....	90
Scholarships .....	87
Student Activities .....	89
Summer School .....	87
Last Clear Chance	
Survey of N. C. decisions, 1953.....	502
Libel and Slander	
Liability of law enforcement officers for defamation	
in official reports.....	564
Limitation of Actions	
Survey of N. C. decisions, 1953.....	401, 402
Malicious Prosecution	
Public officers.....	360
Survey of N. C. decisions, 1953.....	504
Master and Servant	
Charitable institutions, liability to paying patients.....	129
Physician and surgeons, liability for acts of assistants.....	138
Military Law	
Court-martial jurisdiction under the Uniform Code.....	2
Mortgages and Deeds of Trust	
Power of dealer to bind owner by mortgage.....	545
Survey of N. C. decisions, 1953.....	418
Motor Vehicles, see <i>Automobiles</i>	
Municipal Corporations	
Survey of N. C. decisions, 1953.....	467
Creation .....	467
Local legislative power .....	468
Tort liability .....	468
Eminent domain .....	470
Police power .....	471

	PAGE
Taxation and finance .....	472
Dedication of public property .....	474
Sunday closing ordinances, reasonableness of classification.....	552
National Labor Relations Board	
Bargainability of company housing.....	225
Negotiable Instruments	
Bills and notes, intentional cancellation of instrument	
as discharge of obligation.....	206
Defense of lack of consideration, effect of seal.....	556
Renunciation of rights by holder conditioned upon holder's	
death, effect as discharge of parties liable.....	210
Negligence	
Availability of defense of assumption of risk.....	366
Survey of N. C. decisions, 1953.....	495
N. C. Supreme Court	
Survey of decisions for fall and spring terms of 1953.....	379
Officials and Employees	
Malicious prosecution, liability of public officers.....	360
Partnerships	
Income taxation, accounting, involuntary change from	
cash to accrual method.....	249
Income taxation, long term compensation.....	356
Survivorship agreements, survey of N. C. decisions, 1953.....	517
Practice and Procedure	
Discovery of government's deficiency computation	
in tax fraud cases.....	291
Survey of N. C. decisions, 1953.....	507
Appeal in forma pauperis .....	507
Jury .....	507
Judge's charge .....	508
Service of process .....	508
Rules of Practice in Supreme Court .....	509
Privacy	
Unauthorized use of photographs.....	125
Property	
Adverse possession, effect of tenants attornment to true owner.....	93
Easements, implication from description in deed.....	238
Infringement of property rights, unauthorized use of photographs.....	125
Survey of N. C. decisions, 1953.....	477
Adverse possession .....	477
Betterments .....	479
Boundaries .....	479
Deeds .....	481
Easements .....	482
Eminent domain .....	485
Husband and wife .....	486
Landlord and tenant .....	489
Quieting titles .....	489
Registration .....	490
Public Officers, see <i>Officials and Employees</i>	
Public Utilities	
Survey of N. C. decisions, 1953.....	474
Rate discrimination.....	474
Rate making process.....	475
Punishment, see <i>Criminal Law</i>	
Receivers	
Corporate, in N. C.....	149
Receivership	
Corporate, in N. C.....	149



	PAGE
Recording and Registry Laws	
Real property, survey of N. C. decisions, 1953.....	490
Remainders	
Survey of N. C. decisions, 1953.....	460
Remedies	
Counterclaims exceeding jurisdictional limit of court.....	231
Res Ipsa Loquitur	
Survey of N. C. decisions, 1953.....	505
Respondent Superior	
Physicians and surgeons, liability for acts of assistants.....	138
Revocation, see <i>Wills</i>	
Sales	
Survey of N. C. decisions, 1953.....	491
Worthless checks in cash sales.....	491
Titles under negotiable warehouse receipts.....	493
Implied warranties.....	494
Warranties implied in sale of food for human consumption.....	351
Seals	
Negotiable instruments, defense of lack and failure of consideration, effect of seal.....	556
Searches and Seizures	
Search warrants, extension of law in N. C.....	114
Set Off and Counterclaims	
Counterclaim exceeding jurisdictional limit of the court, remedies.....	231
State Tort Claims Act, N. C.	
Right of subrogation.....	242
Survey of N. C. decisions, 1953.....	506
Statutes	
Federal, Labor-Management Relations Act.....	225
Federal, Robinson-Patman Act.....	520
Federal, Taft-Hartley Act.....	225
Federal, Fair Labor Standards Act.....	341
N. C., Tort Claims Act.....	242
Subrogation	
Insurance, survey of N. C. decisions, 1953.....	465
Subrogation under state tort claims acts.....	242
Sunday	
Municipal corporations, Sunday closing laws, reasonableness of classification.....	552
Taxation	
Advantages in doing business abroad and how to obtain them.....	184
Discovery of government's deficiency computation in tax fraud cases.....	291
Federal estate, retention of power to terminate trusts.....	561
Income, deduction of attorney's fees.....	539
Income, involuntary change from cash to accrual basis of accounting.....	249
Income, long term compensation, partnerships.....	356
Survey of N. C. decisions, 1953.....	494
Sales Tax.....	494
Municipal corporations, tax power of.....	472
Torts	
Charitable institutions, liability to paying patients.....	129
Federal Tort Claims Act, discretionary functions exception.....	118
Intentional interference with contractual relations.....	110
Libel and slander, liability of law enforcement officers for defamation in official communications.....	564
Malicious prosecution, public officers.....	360
Negligence, availability of defense of assumption of risk.....	366
Physicians and surgeons, liability for acts of assistants.....	138
Survey of N. C. decisions, 1953.....	495